

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

LENNY SHOULTZ,

Civil No. 04-1566 (JRT/FLN)

Plaintiff,

v.

ORDER

JO ANNE B. BARNHART,

Defendant.

Lionel H. Peabody, **PEABODY LAW OFFICE**, 301 West First Street,
Suite 600, Duluth, Minnesota 55802, for plaintiff.

Lonnie F. Bryan, **OFFICE OF THE UNITED STATES ATTORNEY**,
300 South Fourth Street, Suite 600, Minneapolis, Minnesota 55415, for
defendant.

Upon the Petitions of Plaintiff's counsel for an Ex Parte Order Approving Attorney's Fees Under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), and the Social Security Act, 42 U.S.C. § 406(b), and upon all the files and records herein, **IT IS HEREBY ORDERED THAT:**

1. Award under the Equal Access to Justice Act, 28 U.S.C. § 2412(d) (EAJA).
Plaintiff is awarded attorney's fees in the amount of \$6,556.50 and expenses in the amount of \$181.20, for a total award under the Equal Access to Justice Act (EAJA) of \$6,737.70. Payment shall be made by Defendant to Plaintiff's counsel, Lionel H. Peabody, PO Box 10, Duluth, MN 55801-0010.

2. Award under the Social Security Act, 42 U.S.C. § 406(b). Counsel is awarded an attorney's fee for his representation of Plaintiff in Federal Court under the Social Security Act, 42 U.S.C. § 406(b) in the amount of \$11,786.50, from which EAJA fees awarded herein in the amount of \$6,556.50 must be deducted. The net amount of \$5,230.00 shall be paid to counsel, Lionel H. Peabody, from the funds withheld from the past-due Social Security benefits of Plaintiff and his dependents for payment of attorney's fees.

DATED: December 11, 2006
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge